



SMX 3083.1
PATENT

REMARKS

Claim 27 is amended herein. Upon entry of this amendment, claims 12-18 and 24-49 will be pending in the subject application.

Election

In response to the restriction requirement made in the outstanding Office action, applicants hereby elect the invention of Group I with traverse. Group I is drawn to the apparatus of a sampling probe.

Claims 18, 30, 37 and 42 depend from Group I claims. Accordingly, if the respective base claims from which claims 18, 30, 37 and 42 depend are found to be allowable, these claims should also be allowable subject to their conformance with § 112.

During the search of the invention, applicants also ask the Examiner to reconsider the seriousness of the burden of searching on the method claims. In order for a reliable search to be conducted for Group I, both apparatus and method classes will likely have to be searched. Accordingly, maintaining all claims in the application should not add more than a minimal burden. In this regard the Examiner is asked to consider MPEP 803:

"If the search and examination can be made without **serious** burden, the examiner **must** examine it on the merits, even if it includes claims to distinct or independent inventions." (emphasis added)

Applicants respectfully submit that the burden of examining seven additional claims having an overlapping search field cannot fairly be said to be "serious."

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Conclusion

As the application is believed to be in condition for allowance, applicants respectfully request a favorable action and Notice of Allowance. The undersigned requests a telephone call from the Examiner if this would expedite allowance of the application.

Respectfully submitted,



Michael G. Munsell, Reg. No. 43,820
SENNIGER, POWERS, LEAVITT & ROEDEL
One Metropolitan Square, 16th Floor
St. Louis, Missouri 63102
(314) 231-5400

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VERSION WITH MARKINGS SHOWING CHANGES

In the Claims:

27. (amended) A probe as set forth in claim 26 wherein the vent passage inlet is positioned [at] adjacent the tip for removing reactant from an area outside the recess.